

Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by Respondent in connection with each proceeding.

Findings of Facts

1. Respondent is a business maintaining its corporate headquarters at 4333 Amon Carter Blvd., MD 5675, Fort Worth, Texas, 76155.
2. Respondent is both an air cargo airline carrier, doing business as the American Airlines Cargo division of American Airlines, Inc., and a passenger carrier. Respondent provides services to more than 250 cities in over 40 countries around the world. (Docket No. 12-0393)
3. On or about May 14, 2007, and numerous other dates, shipments arriving in the United States from abroad were selected for inspection by agriculture specialists of the United States Department of Homeland Security, Customs and Border Protection on behalf of the United States Department of Agriculture. (Docket No. 12-0393)
4. Respondent's registered agent is CT Corporation System, whose mailing address is 350 North St. Paul Street, Suite 2900, Dallas, Texas, 75201. At all times material hereto, Respondent was a registered carrier under the Animal Welfare Act and the regulations promulgated thereunder. (Docket No. 13-0194)
5. On or about May 11, 2009, and numerous other dates, APHIS personnel investigated Respondent for the purpose of determining Respondent's compliance with the Animal Welfare Act and the regulations promulgated thereunder. (Docket No. 13-0194)

Conclusions

Respondent has admitted the jurisdictional facts and has agreed to the following Consent Decision in disposition of each proceeding; therefore, this Consent Decision will be issued.

Consent Decision

1. Respondent agrees that Complainant will have an allowed unsecured claim against Respondent in Respondent's bankruptcy proceeding in the amount of four hundred thousand dollars (\$400,000.00) ("the APHIS Claim") for all violations of the Plant Protection Act (7 U.S.C. § 7701 et seq.), the Animal Health Protection Act (7 U.S.C. § 8301 et seq.), the Animal Welfare Act (7 U.S.C. § 2131 et seq.), and the regulations promulgated thereunder that are alleged in each complaint or that could have been alleged in each complaint.
2. Complainant agrees that it waives any allegation against Respondent for violations of the Plant Protection Act (7 U.S.C. § 7701 et seq.), the Animal Health Protection Act (7 U.S.C. § 8301 et seq.), or the Animal Welfare Act (7 U.S.C. § 2131 et seq.) that may have occurred after November 29, 2011, when Respondent filed a voluntary petition seeking bankruptcy protection under chapter 11 of title 11 of the United States Code (11 U.S.C. § 101 et seq.) in the United States Bankruptcy Court for the Southern District of New York, up to and including the effective date of this Consent Decision.
3. Respondent agrees that the United States Postal Service may hold \$97,000 in funds owed to Respondent until the automatic stay imposed by Section 362 of the Bankruptcy Code is lifted in Respondent's bankruptcy, at which time the United States of America ("United States") will set off the \$97,000 on account of the APHIS Claim pursuant to 31 U.S.C. § 3716, 11 U.S.C. § 553, and common law setoff, except that if the automatic stay is not lifted within 90 days of the effective date of this Consent Decision, Respondent will seek approval of the Bankruptcy Court to modify the automatic stay to allow the United States to effect such setoff.
4. Complainant and Respondent agree to enter into a separate Stipulation and Settlement of Claims in accordance with the Amended Order Pursuant to Section 105(a) of the Bankruptcy Code and Rule 9019(b) of the Federal Rules of Bankruptcy Procedure Establishing Procedures for Settling Certain Claims (ECF No. 2055), entered on March

28, 2012 by the United States Bankruptcy Court for the Southern District of New York
for Case No. 11-15463 (SHL).

If any provision of this Consent Decision is declared to be invalid, that declaration will
not affect the validity of any other provision herein.

This Consent Decision will become effective when served on Respondent.

[REDACTED]


Ama Adams
Attorney for Respondent
(Docket No. 12-0393)

[REDACTED]

Jennifer Brandeis
Attorney for Respondent
(Docket No. 13-0194)


[REDACTED]

Margaret Burns Rath
Attorney for Complainant
(Docket No. 12-0393)



Brian Hill
Attorney for Complainant
(Docket No. 13-0194)

Issued this 12th day of December, 2013
at Washington, D.C.



Janice K. Bullard
Administrative Law Judge



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

American Airlines, Inc.

Respondent.

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) P.Q. Docket No. 12-0393
) A.Q. Docket No. 12-0393
) 13-0194
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JOINT MOTION FOR CONSOLIDATION OF CASES
FOR PURPOSES OF SETTLEMENT

Complainant, the Animal and Plant Health Inspection Service, and Respondent, American Airlines, Inc., through their attorneys of record, respectfully submit this joint motion to consolidate the two cases filed under 1) P.Q. Docket No. 12-0393 and A.Q. Docket No. 12-0393, and 2) A.C. Docket No. 13-0194, before the Secretary of Agriculture for purposes of settlement. The two cases filed against Respondent are of similar nature, as they both involve alleged statutory violations under the authority of the Secretary of Agriculture, delegated to the Administrator, the Animal Plant Health Inspection Service.

The parties have been engaged in good-faith settlement negotiations and have agreed upon a global settlement amount under the terms of both cases. In the interest of executive economy, the parties believe it is in the best interest to consolidate these actions into one case.

Respectfully submitted:

[REDACTED] Docket No. 12-0393; A.Q. Docket No. 12-0393

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Attorneys of Record for case filing: ~~A.Q.~~ Docket No. 13-0194

[REDACTED]

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